

REMARKS

The Office Action mailed May 3, 2006 has been received and the Examiner's comments carefully reviewed. Claims 28 and 37 have been amended. No new subject matter has been added. Claims 12-17 and 28-37 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Claim Objections

The Examiner objected to claim 28. The Examiner states that it appears there is no antecedent basis for "the impact of perpendicular forces." The Examiner further states that it is not clear to which impact the claim is referring. While Applicants believe that the limitation as originally recited is not incorrect, Applicants have nonetheless amended claim 28 to address the Examiner's concerns. Applicants have similarly amended claim 37.

In light of the amendment to claim 28, Applicants respectfully request withdrawal of this objection.

Rejections Under 35 U.S.C. §102

The Examiner rejected claims 12-15, 28-31, 34, 35 and 37 under 35 U.S.C. §102(b) as being anticipated by Zehr (U. S. Publication 2002/0056773). Applicants respectfully traverse this rejection.

a) Claims 12-15

Claim 12 recites a grinding machine having an anvil and a grinding drum. The anvil includes a wedge-shaped portion and a rectangular portion. The wedge-shaped portion has a tapering surface extending from a first reference point to a second reference point. The second reference point is located farther from the drum's rotational axis than the first reference point.

1. Wedge-shaped portion and a rectangular shaped-portion

The Examiner asserts that Zehr discloses an anvil having a wedge-shaped portion ([0028]) and a rectangular portion (the rectangular top surface of the anvil 44 in FIG. 2).

Paragraph [0028] of Zehr discloses that the preferred bars [44] are rectangular in cross-section . . . as shown in FIG. 3 and FIG. 4." Zehr specifically discloses that the bars 44 shown in FIG. 3 and 4 only comprise of a rectangular shaped structure.

Paragraph [0028] states that "other cross-section shapes of bars are possible, such as round, square, triangular, oval, etc." Paragraph [0028] does not disclose, however, that the bars 44 can have two different and distinct shapes (i.e., a wedge-shaped portion and a rectangular portion).

In addition, while paragraph [0028] discloses that the bars 44 of FIGS. 3 and 4 are rectangular, the Examiner appears to be asserting the bars 44 are rectangular and wedge shaped by referring to a tapering surface of a wedge-shaped portion of the anvil (44). The Examiner's broadening of the disclosure directly contradicts Zehr's specification stating that the bars 44 are only rectangular, not wedge shaped. The basis for this rejection therefore does not properly align itself with the disclosure of Zehr.

Applicants respectfully submit that Zehr does not disclose that the bars 44 include two different and distinct shapes, that is, both a wedge-shaped portion and a rectangular portion. This rejection can therefore only be based upon Applicants' own disclosure, and an impermissible broadening of the disclosure of Zehr.

2. Orientation of a tapering surface of the wedge-shaped portion

The Examiner asserts that claim 12 does not limit the orientation of the anvil to a particular orientation; specifically, that claim 12 does not define the position of first and second reference points other than the fact that the points are comprised by the anvil.

It is respectfully noted that claim 12 specifically defines the position of the first and reference points in relation to the drum. In particular, claim 12 recites that the tapering surface of the wedge portion is defined between reference points. One of the reference points is located farther from the drum's axis than the other reference point. This necessarily requires that the tapering surface of the wedge-shaped portion have a specific orientation relative to the drum. The anvil includes a wedge-shaped portion and a rectangular-shaped portion. Claim 12 therefore requires that the wedge-shaped portion, of an anvil having two distinct shapes, be oriented in a specific orientation relative to the drum.

Zehr not only fails to disclose that the bars can have two different and distinct shapes, as described above, Zehr clearly does not disclose that the tapering surface of a wedge portion of a two-part, two-shaped anvil is oriented in a particular orientation relative to the drum. This rejection can therefore only be based upon Applicants' own disclosure, and an impermissible broadening of the disclosure of Zehr.

A claim anticipates only if **each and every element as set forth in the claim** is disclosed in the reference. At least for either one of the above reasons, Applicants respectfully submit that independent claim 12, and dependent claims 13-15 are patentable.

b) Claims 35 and 37

Claims 35 and 37 depend upon claim 12. At least for either of the reasons discussed above, Applicants respectfully submit that claims 35 and 37 are patentable.

In addition, with regards to claim 35, nowhere does Zehr disclose that a reference point that defines a tapering surface of a wedge-shaped portion, of a two-part, two-shaped anvil, is to be oriented to define a minimum clearance distance between the drum and the anvil. If the Examiner is to maintain this rejection, evidence of such disclosure is respectfully requested.

With regards to claim 37, nowhere does Zehr disclose that a tapering surface a wedge-shaped portion, of a two-part, two-shaped anvil, is to be oriented to receive impacts of generally perpendicular forces generated by the grinding drum. In fact, the Examiner asserts that the rectangular portion of the anvil is the rectangular top surface portion of the anvil 44 in FIG. 2 located adjacent to the grinding drum. The rectangular top surface of the rectangular bar 44 receives the impacts. If the Examiner is to maintain this rejection, Applicants respectfully request evidence of where Zehr discloses that a wedge-portion is to be oriented to receive the recited impacts, as opposed to orienting a rectangular portion of a two-part, two-shaped anvil to receive the impacts.

c) Claims 28, 30-31, and 34

Claim 28 recites a grinding machine having an anvil including a wedge portion and a rectangular portion. The anvil is located relative to a drum such that during operation, a

tapering surface of the wedge portion receives the impacts of perpendicular forces generated by the drum.

1. Wedge-shaped portion and a rectangular shaped-portion

For similar reasons discussed above with regards to claim 12, Applicants respectfully submit that Zehr does not disclose that the bars 44 include two different and distinct shapes, that is, both a wedge portion and a rectangular portion.

2. Orientation of tapering surface of the wedge-shaped portion

For similar reasons discussed above with regards to claim 37, Applicants respectfully submit that Zehr does not disclose that a tapering surface a wedge-shaped portion, of a two-part, two-shaped anvil, is to be oriented to receive impacts of generally perpendicular forces generated by the grinding drum. As noted above, the Examiner asserts that the rectangular portion of the anvil is the rectangular top surface portion of the anvil 44 in FIG. 2 located adjacent to the grinding drum. The rectangular top surface of the rectangular bar 44 receives the impacts. If the Examiner is to maintain this rejection, Applicants respectfully request evidence of where Zehr discloses that a wedge-portion is to be oriented to receive the recited impacts, as opposed to orienting a rectangular portion of a two-part, two-shaped anvil to receive the impacts.

A claim anticipates only if **each and every element as set forth in the claim** is disclosed in the reference. At least for either one of the above reasons, Applicants respectfully submit that independent claim 28, and dependent claims 30-31 and 34 are patentable.

d) Claim 29

Claim 29 depends upon claim 28. At least for either of the reasons discussed above with regards to claim 28, Applicants respectfully submit that claim 29 is patentable.

In addition, for similar reasons discussed above with regards to claim 35, Applicants respectfully submit that Zehr does not disclose that a wedge-shaped portion, of a two-part,

two-shaped anvil, is to be oriented to define a minimum clearance distance between the drum and the anvil.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 15, 16, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Zehr (U.S. Publication 2002/0056773) in view of Hundt (U.S. Patent 5,975,443). Claims 17 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zehr (U.S. Publication 2002/0056773) in view of Hundt (U.S. Patent 5,975,443) and further in view of Mankoff (U.S. 2,209,277). Claim 36 was under 35 U.S.C. §103(a) as being unpatentable over Zehr (U.S. Publication 2002/0056773).

Applicants respectfully traverse these rejections.

Claims 15-17 and 36 depend upon claim 12. Claims 31-33 depend upon claim 28. In view of the remarks regarding independent claims 12 and 28, further discussion regarding the independent patentability of dependent claims 15-17, 31-33, and 36 is believed to be unnecessary. Applicants submit that dependent claims 15-17, 31-33, and 36 are in condition for allowance.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 12-17 and 28-37) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted hereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.



Date: Aug. 22, 2006

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

A handwritten signature in black ink, appearing to read "Karen A. Fitzsimmons". The signature is written in a cursive, flowing style and is positioned above a horizontal line.

Karen A. Fitzsimmons
Reg. No. 50,470
KAF:cjc